

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 14397 of 2004

Between:

G.Ravinder Reddy, S/o G.Krishna Reddy,
Working as Incharge Head Master, Bharatiya Vidya Niketan High School,
Mahabubnagar

... PETITIONER

AND

- 1 The District Educational Officer, Mahaboobnagar, A.P.
- 2 Bharatiya Vidyaniketan High School, Mahabubnagar,A.P.
rep.by its Special Officer
- 3 Smt.A.Ajitha, School Assistant, Bharatiya Vidya Niketan High School,
Mahabubnagar , A.P. (Husband's name and age of this respondent are not
known to the petitioner)

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, especially one in the nature of Mandamus (1) declare the impugned proceedings Rc.No.C1/1912/2004 d/11-8-2004 of the D.E.O.Mahabubnagar, A.P. as illegal, arbitrary and without jurisdiction and set aside the same; (ii) declare that the 3rd respondent cannot be posted in the place of applicant when she had declined the post of Incharge Headmistress of the 2nd respondent School (iii) declare that the action of the 1st respondent in affecting the rights of the petitioner by posting the 3rd respondent in his place even without notice to him as illegal, arbitrary and unsustainable in law and (iv) to grant such other relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.V.JOGAYYA SARMA

Counsel for the Respondent NO.1: GP FOR SCHOOL EDUCATION

Counsel for the Respondent No.2: None appeared

Counsel for the Respondent No.3: Sri A. Sudarshan Reddy,

The Court made the following order:

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ORDER:

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Heard both the counsel for the respective parties.

Admittedly, the petitioner is working as Incharge Head Master from August, 1998. Prior to the petitioner, third respondent-Smt. A. Ajitha, was working as Incharge Head Master from 07.12.1996 till August, 1998. She has filed an application on 03.06.1998 on medical grounds that she may not be able to discharge her duties as Incharge Head Master, due to ill health and her request was accepted. Thereafter, petitioner was posted as Incharge Head Master until further orders, as proposed by the Special Officer of the Bharatiya Vidya Niketan High School, Mahaboobnagar by the District Educational Officer, vide his proceedings dated 05.08.1998.

The third respondent filed an application dated 07.08.2004 stating that she worked as Incharge Head Master of the school till August, 1998 but due to ill health she was relieved from the said post and she is willing to continue keeping in view the interest of the students and teachers and therefore, her request may be accepted. The first respondent through impugned proceedings dated 11.08.2004 considered the request of the third respondent.

It appears that several complaints have been made by the teachers of the said school against the petitioner. The Deputy Educational Officer submitted a report on 07.08.2004 stating that both the petitioner as well as the third respondent is eligible and entitled for the post of Head Master and no aspirations has been accepted on the petitioner with regard to

the allegations made by the teachers. He forwarded the report to the District Educational Officer to take appropriate decision to post either the third respondent or the petitioner as Incharge Head Master. The District Educational Officer passed the impugned order dated 11.08.2004 stating that the third respondent who being the senior most school assistant and worked as Incharge Head Master till August, 1998, posted her as Head Mistress and requested her to take over the charge from the petitioner.

Admittedly the petitioner has no vested right and the said proceedings are made in normal course for the better administration of the school and in the interest of the teachers and students.

Though in the counter filed by the first respondent it is stated that the petitioner committed various irregularities but the record shows that no enquiry has been ordered and the said allegations made in the counter are without any foundation and without any justification. Therefore, it cannot be said that the impugned order has been passed based on the allegations casting a stigma on the petitioner. I am of the opinion that the impugned order posting senior most school assistant as head mistress is in a routine course and it cannot be interfered with.

It is also pertinent to note that the as per the guidelines issued by the Commissioner and Director of School Education in proceedings in R.C. No. 1539/C3-3/2001 dated 31.01.2002 stating that the senior most School Assistant is eligible to be promoted to the post of the Head Master and may be kept in the Incharge post of the Head Master and therefore, it cannot be said that the order of the District Educational Officer is contrary to any guidelines issued for the post of the Incharge Head Master or regular Head Master. It is always desirable to post a senior most person as Incharge Head Master or Head Mistress. It is also not desirable for a senior most member to work under his juniors. Therefore, I do not see any illegality in the impugned order dated 11.08.2004. For the above said reasons, I do not see any merits in the writ petition.

The writ petition is devoid of merit and it is accordingly dismissed. No costs.

V. ESWARAIAH, J

November 2, 2004

Dsk

To

- 1 The District Educational Officer, Mahaboobnagar,A.P.
 - 2 The Special Officer, Bharatiya Vidyaniketan High School, Mahabubnagar,A.P.
 - 3 Two CCs to GP For School Education, High Court Buildings, Hyderabad
- (OUT)
- 4 Two CD Copies.